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JUL 26 2000



July 25, 2000

Bob Fotheringham
State of Utah
Division of Water Rights
1780 North Research Pkwy.
North Logan, Utah 84341

Re: Theron Weston

Dear Mr. Fotheringham:

We previously met in your office on June 2, 2000, to discuss the concerns of Theron Weston regarding the distribution of water in the Meadowville area. You indicated at that meeting that my Client likely had the right to 216 hours in the Meadowville ditch on May 1. You further indicated, however, that if it was a "dry year" then people would be placed on time at the earliest date necessary. When parties' rights are placed on time, my Client is to receive 108 hours. As I explained in our meeting, my Client is not receiving any water. This is due in part to the fact that Mr. Paul Lamborn has failed to allow all the water to be brought together for purposes of division as required by the 1958 interlocutory order. The 1958 Order requires:

- a. When there is sufficient water to satisfy all rights, distribution shall be made as if there were three separate units, namely (1) North Creek and Little Cheney Spring Stream, (2) Jebo Creek, Tuft Creek and Judd Kimball Spring Stream, and Meadowville Creek above and including the Meadowville Ditch Diversion, (3) Meadowville Creek below the Meadowville Ditch Diversion, and (4) those lands on Lower Meadowville Creek whose irrigation requirements are satisfied from subsurface sources and have no call on surface flow of Meadowville Creek.
- b. When there is not sufficient water to satisfy all rights, the State Engineer shall distribute the water on a pro-rata basis to all users from all of the above sources. On an interest basis from each diversion.

(Enclosed for your review is a copy of the 1958 Interlocutory Order.) You indicated a concern at our meeting that all water users be treated fairly in this matter. I am at a loss to see how allowing Mr. Lamborn complete and total use of the water of North Creek and Little Cheney Spring Stream is fair to all the water users. My Client is suffering damage daily as he loses the ability to use the water in his ranching operation. We hereby make demand upon the State Engineer's Office to direct Mr. Lamborn to provide the appropriate water to the downstream users.


Additionally, we spoke regarding several weirs which were to be installed in this area. You indicated that assessments had been levied on the water users, however, you were unsure of the current status of the same. You indicated you would look into these matters. To date we have heard nothing from you regarding the

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same. We make further demand pursuant to the 1958 Order that weirs be installed at the following: 1) Willis ditch; 2) Mattson diversion; 3) Johnson diversion; 4) Willis-Johnson dam; 5) Judd Kimball spring; 6) Cheney springs/North Creek at Keggy Flat; 7) Jebo; 8) Field; and 9) Willis ditch to the Meadowville Creek.

We look forward to your prompt attention to these matters.

Sincerely,
Hallock & Hallock
a Professional Corporation



Todd N. Hallock
Attorney at Law

TNH/bh

cc: Theron Weston